

REMARKS

After the foregoing amendment, claims 43-59, as amended, are pending in the application. Claims 22-42 have been canceled. Claims 43-59 are new. Applicant submits that no new matter has been added to the application by the Amendment.

Objections to the Drawings

The Examiner objected to the drawings under 37 C.F.R. 1.83(a) because they fail to show the proper labeling of the switching members as described in the specification. Applicant respectfully traverses the objection.

37 C.F.R. 1.83(a) states:

(a) The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box)."

Conditionally nonblocking switches are described in the specification starting at page 99. More specifically, compressor type switches of the type claimed, are described at pages 99-116. The figures identified at pages 99-116 and applicable to understanding claims 43-59 are Figs. 2A, 2B and 32-40. Applicant submits that figures 2A, 2B and 32-40 show every feature of invention specified in the claims. Further, Applicant submits that one of ordinary skill in the art would understand the claimed invention without labeling the figures listed in the Examiner's objection. Applicant also submits that 37 C.F.R. § 1.83, by the use of the word should, clearly states that there is no requirement for labeling where the detailed illustration of the drawing is not essential to understanding the invention.

In view of the fact that the burden for labeling the figures is large and that the labeling of the figures identified by the Examiner is not necessary for a person of ordinary skill in the art to understand the claimed invention, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings.

Rejection - 35 U.S.C. § 103

The Examiner rejected claims 22, 26-29 and 39 under 35 U.S.C. § 103 as being unpatentable over the Applicant's admitted prior art in view of U.S. Patent No. 5,471,628 (Phillips et al.). Applicant respectfully traverses the rejection.

Applicant has canceled claims 22-42 and replaced claims 23-26, 28, 30-38 and 40-42 with new claims 43-59. Table 1 provides a correspondence between new claims 43-59 and original claims 22-42.

New Claim No	Original Claim No(s)
43	22+23
44/43	24
45/43	25
46/45	26
47/43	28
48/47	30
49/48	31
50/43	32
51/50	33
52/43	34
53/52	35
54/43	36
55/54	37
56/43	38
57	39+40
58/57	41
59/57	42

The Examiner states that claim 23 would be allowable if it were rewritten to include all the limitations of claim 22. New independent claim 43 includes all the limitations of original claims 22 and 23. Accordingly, Applicant submits that new claim 43 is allowable. New claims 44-56 depend from allowable new claim 43. Accordingly, new claims 44-56 are allowable, at least by their dependency on new claim 43.

The Examiner states that claim 40 would be allowable if it were rewritten to include all the limitations of claim 39. New independent claim 57 includes all the limitations of original claims 39 and 40. Accordingly, Applicant submits that new claim 57 is allowable.

New claims 58-59 depend from allowable new claim 57. Accordingly, new claims 57-58 are allowable, at least by their dependency on new claim 57.

Applicant has rewritten original claims 23 and 40 as new claims 43 and 57 to include all the limitations of claims 22 and 39 respectively, thus making new claims 43 and 57 allowable. New claims 44-56 and 58-59 depend respectively from claims 43 and 57. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the § 103 rejections and the objections to claims 22-42 as they may be applied to new claims 43-59.

Specification

Applicant has corrected typographical errors in the specification which have come to his attention.

Conclusion

Insofar as the Examiner's objections and rejections have been fully addressed, the instant application, including new claims 43-59, is in condition for allowance and Notice of Allowability of claims 43-59 is therefore earnestly solicited.

Respectfully submitted,

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